

SENTENCING PROCEEDINGS BEFORE JUDGE BROWNING
ON VIOLATION OF SUPERVISED RELEASE

United States vs. Benjamin Youngbear

No. CR 07-1560 JB

Date: January 12, 2009

Court Reporter: Danna Everett

Clerk: K'Aun Sanchez

Court in session: 9:37 a.m.

Court in recess: 10:11 a.m.

Counsel for the Government: Glynette Carson, AUSA for Presiliano Torres

Defendant: Present

Counsel for the Defendant: Michael Keefe

☒ Appointed ☐ Retained

Interpreter: N/A

☐ Official ☐ Sworn

Probation officer(s) present: Chris Aguilar

☐ Albuquerque ☐ Las Cruces ☒ Santa Fe ☐ Roswell ☐ Bench Warrant Ordered

SENTENCE IMPOSED

Defendant convicted based on findings of Court on January 12, 2009 to Violation of Supervised Release.

Imprisonment: BOP: 7 months

Comments: Govt. outlines basis for charges and explains same to Defendant - Defendant represents he understands the charges. Court asks Govt. if violation would make revocation mandatory? Govt. represents does and upon Court's inquiry states maximum possible penalty. Defense counsel represents Defendant will admit to violation. Defendant sworn; Court conducts plea colloquy; Deft. admits to violation as contained in the petition and defense counsel concurs in the guilty plea. Defendant and defense counsel acknowledge Govt.'s case could be proven by hearing, but requests other alternatives besides revoking supervision be considered. Court concludes that the Defendant has voluntarily, knowingly, intelligently and understandingly admitted to violations, accepts guilty plea and finds Deft. has violated the terms of supervision. Defense counsel addresses Court. Defendant allocutes. Govt. opposes electronic monitoring and requests maximum sentence of 1 year. Court confers with USPO off record. Court imposes sentence. Defense counsel requests RCC; USPO indicates is not appropriate facility; Court will not include recommendation for same.

Supervised Release: None imposed

Probation: years, months

SPECIAL CONDITIONS:

☐ Possess no firearms, weapons, or explosives

☐ Participate in drug/alcohol program

☐ Submit to DNA collection

☐ Other conditions:

☐ Voluntary Surrender

☒ Held in Custody

☒ Advised of Appeal Rights

☐ Released on Appeal Bond

☐ Confinement at Institution Nearest Residence Consistent With Sentence Imposed

Comments: